United Nations A/C.5/53/L.43

General Assembly

Distr.: Limited
25 March 1999

Original: English

Fifty-third session
Fifth Committee
Agenda items 112 and 119
Review of the efficiency of the administrative and financial functioning of the United Nations

Human resources management

Draft resolution submitted by the Chairman following informal consultations

Gratis personnel provided by Governments

The General Assembly,

Recalling Articles 97, 100 and 101 of the Charter of the United Nations,

Reaffirming its resolutions 51/243 of 15 September 1997, 52/234 of 26 June 1998 and 53/11 of 26 October 1998,

Recalling its resolutions 51/226 of 3 April 1997 and 52/219 of 22 December 1997,

Having considered the reports of the Secretary-General[1] and the related report of the Advisory Committee on Administrative and Budgetary Questions,[2]

1. *Notes* that, with the exception of one type II gratis personnel, all type II gratis personnel were phased out by 28 February 1999;

2. *Notes with concern* that its resolutions on gratis personnel have not been fully implemented and reiterates the need for full compliance in future;

3. *Notes with concern* the observations of the Advisory Committee in paragraphs 2, 4 and 5 of its report;

4. *Decides* to consider the question of the recruitment of 17 gratis personnel in the International Tribunal on the Former Yugoslavia and the International Criminal Tribunal for Rwanda under the agenda item on human resources management as it was in contravention of Assembly resolution 51/226;

[1] A/53/715, A/53/847 and A/C.5/53/54.
[2] A/53/417/Add.1.

99-08614 (E) 250399

5. *Endorses* the observation of the Advisory Committee in paragraph 6 of its report that at the end of June 1999, confirmation should be given that, without exception, all type II gratis personnel have been phased out;

6. *Decides* to continue consideration of the question of gratis personnel provided by Governments at the main part of its fifty-fourth session.

United Nations A/C.5/53/L.44

General Assembly

Distr.: Limited
26 March 1999

Original: English

Fifty-third session
Fifth Committee
Agenda item 112
Review of the efficiency of the administrative and financial functioning of the United Nations

Draft resolution submitted by the Vice-Chairman following informal consultations

Procurement-related arbitration

The General Assembly,

Having considered the report of the Office of Internal Oversight Services on the review of procurement-related arbitration cases,[1]

1. *Expresses deep concern* about the increase of pending procurement-related arbitration claims instituted against the United Nations, which total 56 million United States dollars as at 19 March 1999;

2. *Requests* the Secretary-General to submit to it, for consideration at an early stage during its fifty-fourth session, a comprehensive report, taking into account the recommendations of the Office of Internal Oversight Services and the views expressed by Member States on the issue of arbitration, which should, *inter alia*, cover:

(a) The reasons for arbitration cases;

(b) The roles and mandates of various Secretariat structures and negotiating teams in arbitration and settlement processes;

(c) The sources of funding for arbitration awards and settlement payments;

(d) The selection of outside legal counsels and provisions to preclude conflict of interest;

(e) Disciplinary action taken against staff members responsible for wrongdoing that resulted in arbitration;

(f) Pending arbitration cases;

[1] A/53/843.

99-08823 (E) 260399

(g) Measures taken or proposed in order to prevent or reduce contract disputes which might lead to arbitration in the future;

3. *Also requests* the Secretary-General, without prejudice to the obligations of the United Nations under the Arbitration Rules of the United Nations Commission on International Trade Law,[2] to keep Member States duly informed of all arbitration and settlement cases, *inter alia*, by clearly identifying such cases as separate items in corresponding financial performance reports and indicating corrective and disciplinary measures taken in this regard.

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[2] United Nations publication, Sales No. E.77.V.6.